

## **DUMONT JOINT LAND USE BOARD MINUTES FOR AUGUST 31, 2010 MEETING**

Flag Salute

**SESSION:** This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**August 31, 2010  
7:30 PM**

**SUNSHINE LAW:** This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on August 31, 2010. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record* and the *Ridgewood News*, the official newspapers of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

### **ROLL CALL:**

Thomas Trank	P	Marian Reitano	A	Kenneth Freeman	A
Elizabeth Marchese	P	Ken Melamed	P	Robert Huth	P
Eric Abrahamsen	P	William Goodman	A	Irwin Buchheister Alt # 1	P
Elmer Pacia Alt # 3	P	Chairman Timothy Hickey	A		

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Marc Leibman- P  
Board Engineer – Birdsall Engineering: Chas Holloway- P  
Board Planner – Neglia Engineering: Dan Kaufman- P  
Board Clerk - Rosalia Bob- P

- In the absence of Chairman Timothy Hickey, Elizabeth Marchese acts in place as Chairman for the evenings proceedings.

**BUSINESS:** Joint Land Use Board Members Update Their Oath of Office  
Ken Melamed, Elizabeth Marchese, Marian Reitano, Elmer Pacia

Marc Leibman explains to the board members that at the request of the Mayor and Council the board members were asked to update their Oath of Office. Ken Melamed, Elizabeth Marchese, and Elmer Pacia were all sworn in and notarized by the board attorney, Marc Leibman. Marc Leibman states that the last member will be sworn in at the next hearing when she is present.

**BUSINESS:** Review and Approval of Business Professional Invoices

Marc Leibman states that he will table this matter to the following month's meeting held on September 28, 2010.

**BUSINESS:** Approval of July 2010 Minutes

Marc Leibman states that he will table this matter to the following month's meeting held on September 28, 2010.

**RESOLUTION:** 10-01 Borough Property 269 Washington Avenue

Motion to Approve: Thomas Trank  
2<sup>nd</sup> by: Robert Huth

**ROLL CALL:**

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	NA
Elizabeth Marchese	A	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	Y	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	Y	Chairman Timothy Hickey	NA		

Motion Approved: 6 – 1

**RESOLUTION:** 10-02 Anthony Morfesis 97 – 105 West Shore Avenue

Marc Leibman states that he will table this matter to the following month's meeting held on September 28, 2010.

**FORMAL:** 10-03 David Schwartz & Martin Schwartz 89 Grant Avenue

Block- 603, Lot- 12

Site Plan Approval, Bulk Variances and Use Variance

The attorney for the application Richard Kelly begins by briefly explaining the project and that the building consists of one residential apartment and the rest is an existing home occupation/home office for the owner who is a chiropractor. Mr. Kelly states that Dr. Schwartz does not reside in the house for the past 7 yrs and rents out the residential space. Mr. Kelly explains several variances are needed such as: use, rear yard variance, green area, parking and lot area.

Richard Kelly calls for his first witness who is the property owner Dr. David Schwartz at 89 Grant Ave. Dr. Schwartz states that he has been practicing since the end of 1986 and practicing in Dumont since 1990. He states that the two owners of the property are himself and his father, Martin Schwartz. He states that the building occupies both an office and a residence to which 3 people reside in for 2 ½ years. He explains that the tenants are a family: mom, father and child. Dr. Schwartz states that the office is only

occupied by him for chiropractor use and contains separate entrances. He explains that Michael Schneider the previous owner and was a chiropractor. Dr. Schwartz states that when he purchased the property he did live in house and the two units were connected from the kitchen into the office. He explains that 7 years ago he obtained a building permit to close out the units making the office separate from the home. He further states that back in 1990 Mike Schneider applied for variance to have the units larger and for residents to live and work there. Dr. Schwartz states that he was unable to track down any copies of those records. He explains that there are 4 units in the office that are used for treatments and exercise. He wishes to add a decompression table; new exam room; expand the existing treatment room and build new room. Dr. Schwartz details that he is located across from school and he only has 2-3 patients at one time in the office. He states that the appointments are anywhere between 10-15 minutes possibly 20 minutes max for a standard patient and additionally his patients don't park in the school lot. Dr. Schwartz explains that parents picking up kids actually park in his lot, he states that Grant Ave is bedlam at around 3PM but by 3:10 the traffic is mostly gone. Dr. Schwartz states that he has adjusted his hours to compensate: M, W, F 10-1pm & 4-7pm; T 4-7pm and S 9-12pm (no work Thurs and Sun). He explains that he has 2 part time employees (not there at same time) thusly at any given time 2 cars are in the driveway (his and an employee). Dr. Schwartz states that there are 2 exterior signs which have been there since he obtained property; there's exterior lighting: parking lot is lit sufficiently but the lot will need resurfacing. He explains that the new decompression room will be used for patients with herniated disks and that the 10 ft long table is right now in another office in Tenaflly. He states that if approved he will close Tenaflly office at Fuel and move solely into his own building. Dr. Schwartz offers into evidence photographs he has taken of the property and they are marked A1 - A8.

- A1 – Front of building
- A2 – Side yard of residence
- A3 – Parking lot and office
- A4 – Parking lot different view
- A5 – Parking lot
- A6 – Looking at office from parking lot
- A7 – side of office where extension will go
- A8 – Backyard residence

Elizabeth Marchese asked about the 1990 variance application and did you request copy from Building Department. Dr. Schwartz states no, he did not request that. Elizabeth Marchese asks if 2-3 patients are in office at one time how will the decompression room effect patient flow. She explains that with the parking only having 4 spots and 2 spots taken by them and 2 spots for patients will this affect the parking situation. Dr. Schwartz states that he doesn't see any parking issues. He explains that the residents in the apartment are allowed one car to park in the lot during the day and at night they can park there.

Richard Kelly presents his next witness who is the architect for the project Vincent Graziano at 135 W. Quackenbush Avenue. He places into evidence as A9 Architects'

Plans. Mr. Graziano goes over the existing floor plan in which the first floor contains a large living room, dining room, kitchen, powder room and the second floor contains 2 bedrooms and bath. He confirms there is no access from the residence to the office. Mr. Graziano details that the office space is on a single floor with 840 square feet and contains a powder room, waiting room, 3 exam areas and a large office. He states that the existing plan with the proposed addition on the first story will be a 155 square feet and consist of relocating the reception area and adding a hallway to connect the exam rooms. He further explains that there are no changes to second floor of building. Elizabeth Marchese asks who has access to the basement. Dr. Schwartz explains that both the office and the residence have access. He states that outside in the back of the house there is access to the basement. He further states that there is a gate up in the basement closing off the two areas and it was put there to separate the uses in order to protect medical files, HIPA policies. Chas Holloway asks about the new roof line for drainage. Mr. Graziano states that the drainage will be gutters and leaders directed to the same location. Elizabeth Marchese asks about the walkway. Dr. Schwartz states that they will not encroach on it and that it's a possible easement but that they are proposing a large stairwell with covered portico over front entrance.

Richard Kelly presents his next witness who is the engineer for the project Ernest Myhren at 265 Atlantic Street Oradell. Mr. Myhren goes over all the variances needed for the application detailing them individually for the board. He further discusses the easements and the drainage on the property. Chas Holloway asks several questions: if one spot will be dedicated as a handicap spot; will there be a ramp by the steps and with the soil issues will the seepage pit have stone on bottom, concerned with damage to tree near seepage pit. Mr. Myhren states that the applicant already discussed options with building inspector and that ADA applicable is not reachable additionally stone will be used on bottom and top of seepage pit. Chas Holloway asks if there are any issues with a drainage problem. Dr. Schwartz states that large storms cause water issues and sometimes the storm drain needs to be blown out. Chas Holloway states that the additional seepage pit will help satisfy the problem.

Chairman Elizabeth Marchese opens the hearing to the public. Grace Kubrin at 174 Randolph Ave asks for some kind of assurance of drainage. She states that she gets water under her fence and it washes away the mulch and also with the addition will the path be closed. Dr. Schwartz states that the public access might have to be closed due to the construction possibly. Chas Holloway states that they would have to notify the local police department, and notify the school and of course the building department. Steve Cavadias states that the building department would require them to fence off that area so that no kids get in the construction site and the kids can still use path. Chairman Elizabeth Marchese closes the hearing to the public.

Ken Melamed asks when you would start and how long the construction will be. Dr. Schwartz states that he can start mid-September and the project will be a short time frame. Elizabeth Marchese asks how long for construction. Dr. Schwartz estimates approximately 2 - 3 months. Elizabeth Marchese states her concerns for the kids and if there will be any difficulty with pick-up and drop-offs. Chas Holloway asks that the

parking lot paving and re-stripping be put in as condition. Chairman Elizabeth Marchese calls for a motion from the board.

Motion to Approve: Eric Abrahamsen  
2<sup>nd</sup> by: Robert Huth

**ROLL CALL:**

Thomas Trank	NA	Marian Reitano	NA	Kenneth Freeman	NA
Elizabeth Marchese	Y	Ken Melamed	Y	Robert Huth	Y
Eric Abrahamsen	Y	William Goodman	NA	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	NA	Chairman Timothy Hickey	NA		

Motion Approved: 5 – 0

Motion Adjourn: Robert Huth  
2<sup>nd</sup> by: Ken Melamed

Minutes respectfully submitted by:  
Rosalia Bob  
Joint Land Use Board Clerk